

MINUTES
COMMITTEE ON LAW & LICENSING

October 23, 2012 - 2:00 p.m.
Common Council Chambers, City Hall

Members Present: Chairperson Ald. Jodi VanderWeele, Vice Chairperson Ald. Kevin Matichek, Ald. Julie Kath, Ald. Susan Lessard, Ald. Scott Lewandoske
Others in Attendance: Assistant City Attorney Charles C. Adams, Lt. Douglas Teunissen, Sunday L. Boettcher, Marcus A. Newton, Samantha J. Cleveland, Louicia A. Fanslau, Michael E. Vidimos, Kristen E. Abstetar, Richard C. Lambrecht, Elizabeth Lambrecht, Thomas Lloyd, Britney L. Henry, William J. Hilbert, Robert L. Petermann, Anthony P. Bray, Jennifer Bray, Bill Skirvin

Chairperson VanderWeele called the meeting to order at 2:00 p.m.

The Pledge of Allegiance was recited.

Introduction of committee members, staff and guests.

A motion to approve the minutes of the previous meeting held October 9, 2012 was made by Ald. Matichek and seconded by Ald. Lessard. **All ayes; motion approved.**

R.O. No. 132-12-13 (9-4-12) – Various License Applications: Taxicab Op. Lic. App. No. 9687 (Roxella Cassandra Trevino)

Submitting various license applications for the period ending June 30, 2013 and June 30, 2014.

Roxella Cassandra Trevino failed to appear before the committee, but the City Clerk's Office indicates that Ms. Trevino withdrew her application on October 15, 2012. Ald. Kath moved, seconded by Ald. Lessard, to accept the withdrawal and file the application. **All ayes; motion approved.**

R.O. No. 141-12-13 (9-17-12) – Various License Applications: Bev. Op. Lic. App. No. 8948 (Sunday L. Boettcher); Taxicab Op. Lic. App. Nos. 9717 (Reyna M. Flores), 9719 (Marcus A. Newton), 9049 (Justin E. Quade), 9707 (Paul M. Thill)

Submitting various license applications for the period ending June 30, 2013 and June 30, 2014.

Sunday L. Boettcher appeared before the committee to discuss her application. After discussion of her record, Ald. Kath moved, seconded by Ald. Matichek, to grant the license. **All ayes; motion approved.**

Reyna M. Flores failed to appear before the committee. Ald. Lessard moved, seconded by Ald. Matichek, to deny the license application based upon Ms. Flores' failure to accurately reveal all relevant convictions on her application, her record of violations related to the licensed activity, and her failure to cooperate with the committee. **All ayes; motion approved.**

Marcus A. Newton appeared before the committee to discuss his application. During the discussion of Mr. Newton's record, Lt. Teunissen advised the committee that the Sheboygan Police Department had a negative recommendation. Mr. Newton then informed the committee that he no longer wants a

taxicab operator's license and wished to withdraw his application. Ald. Matichek moved, seconded by Ald. Kath, to deny the license application based upon Mr. Newton's record of violations related to the licensed activity as well as his oral withdrawal of his taxicab operator's license application. **All ayes; motion approved.**

Justin E. Quade failed to appear, but had contacted Ald. VanderWeele to indicate that he was unable to appear. Mr. Quade will be called in to a future meeting. Ald. Matichek moved, seconded by Ald. Lessard, to hold the application. **All ayes; motion approved.**

Paul M. Thill failed to appear before the committee. Ald. Kath moved, seconded by Ald. Matichek, to deny the license application based upon Mr. Thill's failure to accurately reveal all relevant convictions on his application, his record of violations related to the licensed activity, and his failure to cooperate with the committee. **All ayes; motion approved.**

R.O. No. 151-12-13 (10-1-12) – Various License Applications: Bev. Op. Lic. App. Nos. 9735 (Samantha J. Cleveland), 9747 (Louicia A. Fanslau), 4074 (Jesse F. Krueger); Taxicab Op. Lic. App. Nos. 9744 (Andrea S. Mullens), 7390 (Salvador Olivas), 9733 (Johnathan P. Schuld)
Submitting various license applications for the period ending June 30, 2013 and June 30, 2014.

Samantha J. Cleveland appeared before the committee to discuss her application. After discussion of her record (including the October 13, 2012 underage serving incident) and her failure to include a violation on her application, Ald. Kath moved, seconded by Ald. Matichek, to grant the license contingent upon the application being corrected, and with a warning to include all relevant information on future applications. Ald. Matichek withdrew his second. Ald. VanderWeele then seconded the motion. **Three ayes and two nays (Ald. Lessard and Ald. Matichek); motion approved.**

Louicia A. Fanslau appeared before the committee to discuss her application. After discussion of her record and her failure to include violations on her application, Ald. Matichek moved, seconded by Ald. Kath, to grant the license contingent upon the application being corrected, and with a warning to include all relevant information on future applications. **All ayes; motion approved.**

Jesse F. Krueger failed to appear before the committee. Ald. Matichek moved, seconded by Ald. Lessard, to request via certified mailing Mr. Krueger's appearance before the committee at its November 13th meeting. **All ayes; motion approved.**

Andrea S. Mullens failed to appear before the committee. Ald. Kath moved, seconded by Ald. Matichek, to request via certified mailing Ms. Mullens' appearance before the committee at its November 13th meeting. **All ayes; motion approved.**

Salvador Olivas failed to appear before the committee. Ald. Matichek moved, seconded by Ald. Kath, to request via certified mailing Mr. Olivas' appearance before the committee at its November 13th meeting. **All ayes; motion approved.**

Johnathan P. Schuld failed to appear before the committee. Ald. Matichek moved, seconded by Ald. Kath, to request via certified mailing Mr. Schuld's appearance before the committee at its November 13th meeting. **All ayes; motion approved.**

Possible action regarding Alc. Bev. Lic. No. 2740–Mannings Irish Pub I (Michael E. Vidimos, Agent) and Bev. Op. Lic. No. 8345 (Kristen E. Abstetar)

Michael E. Vidimos and Kristen E. Abstetar appeared before the committee. Mr. Vidimos indicated that he has ordered an age identifier calendar and also a flyer with the different licenses/ID's pictured. Ald. Matichek moved, seconded by Ald. Kath, to issue warnings to both Mannings Irish Pub I and Kristen E. Abstetar regarding the sale of alcohol to an underage person at Mannings Irish Pub I on October 4, 2012. **All ayes; motion approved.**

Possible action regarding Alc. Bev. Lic. No. 1267–Poor Richards (Richard C. Lambrecht, Agent)

Richard C. Lambrecht and his wife, Elizabeth Lambrecht, appeared before the committee. Richard Lambrecht indicated that he normally does card people and he does have an age identifier calendar. He did not have an explanation regarding his failure to cooperate with the officer. Ald. Matichek moved, seconded by Ald. Kath, to issue a warning to Poor Richards regarding the sale of alcohol to underage persons at Poor Richards on October 4, 2012. **All ayes; motion approved.**

At 2:45 p.m. Ald. Matichek took over as Chairperson of the committee as Ald. VanderWeele was abstaining from any participation in the following VibeZ matter.

Possible action regarding Alc. Bev. Lic. No. 1083—VibeZ (Hamilton W. Watt, Agent) and Bev. Op. Lic. No. 9756 (Britney L. Henry)

Thomas Lloyd (bar manager) and Britney L. Henry appeared before the committee to discuss the sale of alcohol to underage persons at VibeZ on October 4, 2012. Mr. Lloyd discussed his training methods and indicated that VibeZ has a scanner and also an age identifier clock on the wall. He feels the online training doesn't work well and is going to have all employees take the police department's training class. Ms. Henry indicated that she did look at both ID's but read them incorrectly. Ald. Lessard moved, seconded by Ald. Lewandoske, to request that Mr. Watt voluntarily surrender the "Class B" alcohol beverage licenses for a period of five (5) consecutive business days within 14 days. **Four ayes; motion approved.**

Britney L. Henry's license application will be discussed further under R.O. 171-12-13 later during the meeting.

At 3:15 p.m. Ald. VanderWeele returned as Chairperson.

Possible action regarding Alc. Bev. Lic. No. 1199–Lakeshore Lanes (William J. Hilbert, Agent) and Bev. Op. Lic. No. 4465 (Robert L. Petermann)

William J. Hilbert and Robert L. Petermann appeared before the committee. Mr. Petermann indicated that he has been bartending for 20 years and simply misread the date on the ID. The cash

register does have the date posted on it. Mr. Hilbert indicated this is Lakeshore Lanes' second violation in 37 years. Ald. Matichek moved, seconded by Ald. Kath, to issue warnings to both Lakeshore Lanes and Robert L. Petermann regarding the sale of alcohol to an underage person at Lakeshore Lanes on October 4, 2012. **Four ayes and one abstention (Ald. Lessard); motion approved.**

Possible action regarding Alc. Bev. Lic. No. 2502–Nine 21 Bar & Grill LLC (Anthony P. Bray, Agent)

Anthony P. Bray and Jennifer Bray appeared before the committee. Mr. Bray indicated that he had left the bar in order to run to the store for baby supplies after receiving a call from his wife. Ald. Kath moved, seconded by Ald. Matichek, to issue a warning to Nine 21 Bar & Grill LLC regarding the sale of alcohol to an underage person at Nine 21 Bar & Grill LLC on October 4, 2012 and to also issue a warning for allowing an unlicensed person to serve alcohol on October 4, 2012. **All ayes; motion approved.**

Gen. Ord. No. 23-12-13 (9-17-12)

An ordinance amending Section 130-59 of the City of Sheboygan Municipal Code so as to create additional regulations related to taxicabs in the city.

ACA Adams clarified that the taxicab companies will need to contact Traci in the Building Inspection office to schedule the inspections of their taxi meters with the State. Ald. Matichek moved, seconded by Ald. Kath, to approve Subs. of Gen. Ord. No. 23-12-13 and forward it to the Common Council with a favorable recommendation. **All ayes; motion approved.**

R.O. No. 171-12-13 (10-15-12) – Various License Applications

Submitting various license applications for the period ending June 30, 2013 and June 30, 2014.

Ald. Matichek moved, seconded by Ald. Kath, to call in Bev. Op. Lic. App. No. 9755 (Sarah A. Bell) to discuss her application with the committee. **All ayes; motion approved.**

Ald. Lessard moved, seconded by Ald. Matichek, to call in Bev. Op. Lic. App. No. 9752 (Brad M. Bunge) to discuss his application with the committee. **All ayes; motion approved.**

Ald. Matichek moved, seconded by Ald. Lessard, to grant a license with a warning, contingent upon the application being corrected, to Bev. Op. Lic. App. No. 9760 (Aubrey J. Gensch). **All ayes; motion approved.**

Britney L. Henry was present and discussed her application with the committee. After discussion of her record and the sale of alcohol to underage persons at VibeZ on October 4, 2012, Ald. Matichek moved, seconded by Ald. Lessard, to deny the license application based upon Ms. Henry's record of violations related to the licensed activity. **Three ayes and two nays (Ald. Lewandoske and Ald. VanderWeele); motion approved.**

Ald. Kath moved, seconded by Ald. Lessard, to grant a license to Bev. Op. Lic. App. No. 9761 (Joshua J. Pantel). **All ayes; motion approved.**

Ald. Kath moved, seconded by Ald. Matichuk, to call in Bev. Op. Lic. App. No. 9762 (Rebecca M. Schuchardt) to discuss her application with the committee. **Three ayes and two nays (Ald. Lessard and Ald. VanderWeele); motion approved.**

Ald. Lessard moved, seconded by Ald. Matichuk, to call in Bev. Op. Lic. App. No. 9763 (John E. Wenzel) to discuss his application with the committee. **All ayes; motion approved.**

Ald. Kath moved, seconded by Ald. Lessard, to grant the remainder of the license applications for individuals and entities listed on the above-referenced R.O. **All ayes; motion approved.**

Discussion and possible action regarding law violations that may require future action by the Committee

After hearing a brief report from Lt. Teunissen regarding five businesses that failed Operation Absolutely 21 & Over compliance checks on October 12, 2012 (a total of 26 establishments were checked with five failures resulting in a 19% failure rate), Ald. Matichuk made a motion, seconded by Ald. Kath, to call in the following license holders to discuss the matter with the committee:

- Alc. Bev. Lic. No. 2085—Legend Larry’s Wings & Things (Larry J. Schaefer, Agent)
- Bev. Op. Lic. No. 7669 (Kristi C. Maki)
- Alc. Bev. Lic. No. 1089—Dave’s Who’s Inn (David A. Repinski, Jr., Agent)
- Bev. Op. Lic. No. 9735 (Samantha J. Cleveland)
- Alc. Bev. Lic. No. 2789—Poseidons (Cory L. Kramer, Agent)
- Bev. Op. Lic. No. 9427 (Amanda L. Bedore)
- Alc. Bev. Lic. No. 2341—Ashley’s Bar & Grill (Martin L. Corson, Owner)
- Bev. Op. Lic. No. 9665 (Veronica M. Cantrall)
- Alc. Bev. Lic. No. 2866—Night Moves (Thomas E. Laiken, Agent)
- Bev. Op. Lic. No. 9752 (Brad M. Bunge)

All ayes; motion approved.

After hearing a brief report from Lt. Teunissen regarding one business that failed Operation Absolutely 21 & Over compliance checks on October 18, 2012 (a total of 13 establishments were checked with one failure resulting in a 7% failure rate), Ald. Matichuk made a motion, seconded by Ald. Kath, to call in the following license holders to discuss the matter with the committee:

- Alc. Bev. Lic. No. 2880—Anglers Avenue Pub & Grill (Paul Roberts, Jr., Agent)
- Bev. Op. Lic. No. 5716 (Justine M. Kaker)

Four ayes and one abstention (Ald. Lessard); motion approved.

Ald. Matichuk made a motion to adjourn. Ald. Lessard seconded the motion. **All ayes; motion approved.**

There being no further business to come before the committee, the meeting was adjourned at 3:35 p.m.

The next committee meeting is scheduled to be held on Tuesday, November 13, 2012 at 2:00 p.m. in the Common Council Chambers located at City Hall, 828 Center Avenue.